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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
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Serial No.: **09/915,895**

Filed: **July 26, 2001**

For: **Communications System Employing Non-
Polluting Pilot Codes**

Docket No: **4015-981/ P12623-US1**

PATENT PENDING

Examiner: Willie J. Daniel, Jr.

Group Art Unit: 2686

Confirmation No.: 7299

Mail Stop AF
Commissioner for Patents
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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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February 24, 2006
Date


Season E. Munck

TELEPHONE INTERVIEW SUMMARY OF FEBRUARY 24, 2006


Examiner Daniel called the undersigned attorney today in response to an earlier voice mail left with Examiner Daniel. The undersigned attorney explained that the Supplement Appeal Brief mailed to the Office in October 2005 is believed to fully comply with the requirements of 37 CFR 41.37, and in particular with the requirements of 37 CFR 41.37(c)(1)(5). The undersigned attorney's concern is that the Notification of Non-Compliant Appeal Brief improperly required Applicant to detail all separately argued dependent claims in the Summary section of the Brief, even though such claims are not, and have not been alleged as, means-plus-function claims. (This point of concern was detailed in the cover letter sent along with the Supplemental Appeal Brief.)

The undersigned attorney asked Examiner Daniel specifically to consider the above concern when evaluating the Supplemental Appeal Brief for compliance. More particularly, the undersigned attorney advised Examiner Daniel that a Mr. Dale Shaw of the Board of Patent

Appeals and Interferences confirmed the undersigned attorney's understanding of 37 CFR 41.37(c)(1)(5), and the undersigned attorney asked Examiner Daniel to call if he had any concerns regarding the Brief's compliance. Examiner Daniel agreed to that request.

Respectfully submitted,

COATS & BENNETT, P.L.L.C.



Dated: February 24, 2006

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